reasonably to be expected" proves rather too much. Followed to its logical conclusion, this argument would destroy the very distinction sought to be established, and would lead to allowing the claim even in a case where the injured employee was himself taking part in the sportive acts which resulted in his injury. For a note on the general subject of accidents "arising out of" employment, see 16 MICH. L. REV. 179.

WORKMEN'S COMPENSATION ACT—COMPENSATION FOR INJURY AGGRAVATING A LATENT DISEASE.—P, an apparently able-bodied young man, in starting a gas engine caught his foot, which was lacerated, and fell in a faint. He lost the use of his legs. Medical testimony showed he was suffering from multiple sclerosis, hardening of the brain. Also that this disease was hereditary or caused by acute infection; that any shock or excitement would aggravate the disease and bring on the present condition of disability. In an action for compensation, *held,* the injury precipitated the present condition of P and is fully responsible therefor. P is entitled to compensation for total incapacity for life. *Blackburn* v. *Coffeyville Vitrified Brick and Tile Co.* (Kan., 1920), 193 Pac. 351.

The Compensation Acts, generally speaking, impose a liability on the employer for any accidental injuries to his employees arising out of the employment. HONNOLD, WORKMEN'S COMPENSATION, § 4. The question arises as to what constitutes an accidental or personal injury within the meaning of the acts. Often the incapacity from which the employee suffers or which causes his death is the immediate result of a disease. Then the problem is to determine whether the disease is to be considered as the proximate result of an accident so as to make the Compensation Act applicable. In cases like the principal case, where the disease from which the employee was suffering or died was aggravated or accelerated by the accident, compensation is awarded on the theory that the accident was the proximate cause of the disability or death. Thus where an employee accidentally fell, and testimony showed that the injury aroused latent tuberculosis, accelerated the disease and caused death earlier than otherwise, compensation was given for death. *Retmier* v. *Cruse* (Ind.), 119 N. E. 32; *Van Keuren* v. *Dwight Divine & Sons,* 165 N. Y. Supp. 1049; see cases cited in 15 N. C. C. A. 632 and 17 N. C. C. A. 864. The accident aggravating the disease may be undue excitement or strain in the course of employment. Thus, where a night watchman died after the excitement of a fire in the plant, it was found he had a weak heart. The court, in reversing the decision of the Accident Board denying compensation, said: "The fact that the man's condition predisposed him to such an accident or stroke must be, under the authorities, held to be immaterial. While the exertion and excitement which accelerated the heart action were not the sole proximate cause of the death, they were certainly concurring causes. *Schroetke* v. *Jackson-Church Co.,* 193 Mich. 616. So also, where a miner who was pushing a coal car up a grade suddenly complained of his side and died shortly, the evidence showing that his heart was diseased and that the strain caused a rupture of the heart resulting in death, the court

awarded compensation on the ground that the personal injury, the rupture of the heart, was by accident, as it hastened to a fatal end an ailment. *Indian Creek Coal Co.* v. *Calvert* (Ind.), 119 N. E. 519. Death or incapacity resulting from a non-occupational disease alone is not compensable. A workman dying of apoplexy was denied compensation where there was neither unusual happening nor accident. *Guthrie* v. *Detroit Ship Co.*, 200 Mich. 355. It appears that there must actually be an accident in order for an injury aggravating a disease to be compensable. The compensation recoverable is usually held to be for the total disability, not merely for that degree of the disability which was caused by the accident as distinguished from that which was caused by the disease. *Indianapolis Abattoir Co.* v. *Coleman* (Ind.), 117 N. E. 502. "The previous condition of health of the employee is of no consequence in determining the amount of relief to be afforded * * * [But] it is only where there is a direct causal connection between the exertion of the employment and the injury that an award of compensation can be made." *In re Madden, 222* Mass. 487, the court pointing out that where the disease was the cause of the injury no award can be made, but where the employment was a proximate contributing cause to the injury there ought to be an award made. The decision in the principal case appears to be in accord with the authorities and the correct view. The theory of the Compensation Acts is that every personal loss to an employee, as such, is an element of the cost of production and should be charged to the industry. It is to protect the employee at the expense of the industry. Being social in its aim and conception, and making no distinction in the condition of the health of employees, the Act should compensate for the disability, even though the injury is aggravated by or aggravates a congenital weakness or a preëxisting disease.

WORKMEN'S COMPENSATION ACT—INJURY ARISING OUT OF AND IN COURSE OF EMPLOYMENT.—Leaving the works where she was employed during the dinner hour, a machinist went to a canteen provided by her employers in another part of the premises. Hurrying down a flight of stairs leading from the canteen to the street which connected the canteen and the works, she slipped and broke her ankle. *Held* (two of the five judges dissenting), the injury arose out of and in the course of the employment, within the meaning of the Workmen's Compensation Act. *Armstrong, Whitworth & Co.* v. *Redford* [1920], A. C. 757.

A workman's employment is not confined to the actual work upon which he is engaged, but extends to those actions which by the terms of his employment he is entitled to take or where by such terms he is taking his meals on the employer's premises. *Brice* v. *Lloyd* [1909], 2 K. B. 804; *Friebel* v. *Chicago City Ry. Co.*, 280 Ill. 76, 117 N. E. 467; *Scott* v. *Payne Bros.*, 85 N. J. L. 446, 89 Atl. 927. The period of employment is not necessarily broken by mere intervals of leisure such as those taken for meals. *In re Sundine*, 218 Mass. 1, 105 N. E. 433; HONNOLD, WORKMEN'S COMPENSATION, Sec. 111. As the court said in the instant case, "the taking of meals is a matter ancil-